

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CORY HOCH,

Plaintiff,

v.

STEPHANIE CLENDENIN, et al.,

Defendants.

1:23-cv-00796-SKO

**ORDER REGARDING MOTION
FOR FILE-STAMPED COPY OF
ORIGINAL COMPLAINT**

(Doc. 6)

**ORDER REGARDING MOTION FOR
SUMMONSES AND SERVICE OF
PROCESS BY UNITED STATES
MARSHAL**

(Doc. 7)

Plaintiff is a civil detainee proceeding pro se and *in forma pauperis* in a civil rights action pursuant to 42 U.S.C. § 1983.

I. RELEVANT BACKGROUND

Plaintiff initiated this action with the filing of his complaint on May 24, 2023. (Doc. 1) The Court issued its Order Granting Application to Proceed *In Forma Pauperis* (“IFP”) on May 31, 2023. (Doc. 3.)

On June 7, 2023, the Court issued its First Informational Order in Prisoner/Civil Detainee Civil Rights Case. (Doc. 4.)

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On August 23, 2023, Plaintiff filed documents titled “Motion for Request for File-Stamped Copy of Original Petition” (Doc. 6) and “Motion for Request for Summons and Service of Summons By United States Marshal’s” (Doc. 7).

II. DISCUSSION

A. File-Stamped Copy Request

Plaintiff asks the Court for a copy of his “original petition” after he inadvertently neglected to include a postage paid envelope for the return of a file-stamped copy at the time of filing. (Doc. 6.) Although Plaintiff requests a copy of the “original petition,” he is referring to his original complaint. Neither Plaintiff’s pro se status nor his IFP status entitle him to receive complimentary copies. *See, e.g., Blair v. CDCR*, No. 1:14-cv-01156-LJO-SAB (PC), 2018 WL 1959532, at *6 n.2 (E.D. Cal. Apr. 25, 2018) (“In forma pauperis status does not entitle a prisoner to free copies of documents from the existing Court record”). (*See also* Doc. 4 at 3 [“The Court will not make copies of filed documents or provide postage or envelopes for free even for parties proceeding in forma pauperis”].)

Generally, the Clerk’s Office will provide copies for Plaintiff at a cost of \$0.50 per page. Under the circumstances, the Court will make a one-time exception and will direct the Clerk’s Office to provide a copy of Plaintiff’s original complaint filed May 24, 2023, to Plaintiff at no charge. Plaintiff is advised that any further copies will need to be paid for by Plaintiff, and that it is his responsibility to maintain copies of all documents submitted to the Court for filing.

B. Request for Summons and Service

Plaintiff asks the Court “for an Order for the Summons to be sent to Petitioner by the Clerk of the Court,” citing to Federal Rule of Civil Procedure 4(a). (Doc. 7.) Plaintiff also requests that service of process be commenced pursuant to Rule 4(c)(3) and (d). (*Id.*)

As Plaintiff was advised in the First Informational Order issued June 7, 2023, his complaint must be screened pursuant to 28 U.S.C. § 1915A(a). (*See* Doc. 4 at 3 [III. SCREENING OF COMPLAINTS].) That order states a “pro se plaintiff may not proceed with legal action against a governmental agency or individual in this Court until the Court screens the pro se plaintiff’s complaint and finds that it states a cognizable claim against named defendants.

1 If the Court does find a cognizable claim and the plaintiff is proceeding in forma pauperis, the
2 Court will direct the United States Marshal to initiate service of the complaint on defendants.”
3 (*Id.*) This includes complaints brought by civil detainees. *See, e.g., Wilson v. Department of State*
4 *Hospitals – Coalinga*, No. 1:14-cv-00063-RRB, 2016 WL 3648947, *1 (E.D. Cal. July 6, 2016)
5 (citing *Williams v. Coleman*, 536 Fed. Appx. 694 (9th Cir. 2013)).

6 This Court has not yet screened Plaintiff’s complaint. Service of process is premature and
7 will occur only after this Court has determined Plaintiff has stated one or more cognizable claims
8 against a named defendant. This Court is one of the busiest district courts in the nation and the
9 undersigned carries a heavy civil rights caseload. Plaintiff’s complaint will be screened in due
10 course.

11 **III. CONCLUSION AND ORDER**

12 For the reasons stated above, **IT IS HEREBY ORDERED** that:

13 1. Plaintiff’s request for a file-stamped copy of his original complaint is **GRANTED**.

14 The Clerk of the Court will send Plaintiff a copy of the original complaint as a one-
15 time courtesy; and

16 2. Plaintiff’s request for summonses and service of process by the United States Marshal
17 is **DENIED** as premature.

18
19 IT IS SO ORDERED.

20 Dated: **August 24, 2023**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE